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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/555,273

11/02/2005

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EXAMINER

RENWICK, REGINALD A

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/555,273	<b>Applicant(s)</b> MATSUMOTO ET AL.	
	<b>Examiner</b> REGINALD A. RENWICK	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 3, 4, 5, 14, 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilboa (U.S. Patent No. 5,853,327) in view of "The Art of Fighting".

**Re claims 1 and 16 :** Gilboa discloses Game information for causing an apparatus similar to a computer to function the apparatus connected to an input system (column 7, lines 1-7), the input system comprising: a tablet using an electromagnetic induction method (column 4, lines 4-7; column 3, lines 54-65); and a formed object incorporating a coil for performing predetermined communication using an electromagnetic induction method when placed on the tablet (column 20, lines 51-55), a memory for storing identification information on the formed object (column 4, lines 15-29, column 11, lines 10-15) the apparatus obtains from the input system a placed position and a direction on the tablet, and identification information on the formed object (Abstract; column 7, lines 36-41; column 11, lines 10-15), wherein the apparatus is caused to function as: a change detecting unit for detecting a change of the placed position and the direction

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obtained from the input system (column 8, lines 37-59; column 12, lines 13-30); a selecting unit for selecting character information corresponding to the identification information obtained from the input system out of a plurality of character information, each of which includes image information on a character imitating a figure of the formed object and is associated with the identification information on the formed object (column 8, lines 20-30; column 9, lines 32-39); a character control unit for disposing the character, imitating the figure of the formed object placed on the tablet, in a game space according to the character information selected by the selecting unit (column 9, lines 32-39), and for controlling motion and movement of the character according to the change detected by the change detecting unit (column 9, lines 39-44); and an image generating unit for generating an image in the game space including the character controlled by the character control unit (column 9, lines 39-44). Gilboa fails to disclose that the apparatus further comprises a correlating area setting unit for making a size of a correlating area variable and for setting the correlating area in the game space, the correlating area correlating with a placement detectable area on the tablet, and the character control unit disposes the character in the correlating area and controls the motion and movement of the character.

The examiner understands a non-variable gamespace area to be one which the area available to player remains static during gameplay. For instance, in a computer chess game the chess board is the only game environment and therefore the game space area is static. Thusly, a variable gamespace area that dynamically changes the area of

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the gamespace in accordance with game events. This concept is well known in the art, especially in fighting games that use the camera zoom feature (Trivia). The video game "The Art of Fighting" was the first to teach a camera zoom effect wherein when two players are close together, the camera is zoomed in on the two players, and when two players are far away from one another, the camera zooms out to include both players within the display screen. To one skilled in the art, the game processor or game display unit of the game unit that "The Art of Fighting" is played on would be considered, the correlating area unit as it performs the correlating area function.

Because the structure of the claim limitations are already met by the invention of Gilboa, one skilled in the art would recognize that changing the particular game or game parameters that Gilboa is instructed to execute is merely changing the obvious variable component, that being the software. One can easily create a game with specific parameters that utilize the structural components of the invention, as Gilboa has previously disclosed a plurality of games including: a story book game, a game of chess, and a spaceship shooting game. To one skilled in the art the camera affect can be incorporated within the spaceship shooting game to show the perspective of the player in relation to the enemy space ship where as the player moves toward the enemy the display screen is zoomed in, and when the players moves away from enemy, the display screen is zoomed out, to show perspective. This similar effect can be used within the gamebook of Gilboa in which the display screen is zoomed in to encompass both the player and opposing character when the two are in close proximity. It would

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have been obvious to one skilled in the art to modify the invention of Gilboa with the camera zoom feature of "The Art of Fighting" to add a dynamic element to a game that adds for better visual appeal and gameplay.

**Re claim 2:** The game information as claimed in claim 1, wherein the apparatus further functions as a correlating area setting unit for setting in the game space an area correlating with a placement detectable area on the tablet, and wherein the character control unit disposes the character, imitating the figure of the formed object placed on the tablet, at a position in the game space correlating with the placed position obtained from the input system with the direction obtained from the input system with reference to the area in the game space set by the correlating area setting unit (column 7, lines 64-67; column 8, lines 1-20).

**Re claims 3 and 4:** Gilboa fails to disclose that the correlating area setting unit comprises an area variable unit for making the size of the area in the game space variable, the area set correlating with the placement detectable area on the tablet. Gilboa discloses a chess game board in which a game is conducted, however there is no explicit disclosure that the game nor the game board is displayed on a computer related device. However, as discussed previously it is well known in the art to use a camera zoom method to manipulate the display screen to increase the size of the gaming area according to the placement of particular characters on the screen. Gilboa and "The Art of Fighting" in combination fail to specifically disclose a first and second

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variable unit, however within the game "The Art of Fighting" two size metrics, the height and width, of the screen are varied to encompass the player. To one skilled in the art, both metric variable units would be equivalent to the singular the game processor or the singular game displaying controller of the game unit. It would have been obvious to one skilled in the art to modify the game machine of Gilboa with variable units for modifying the display screen area to add a dynamic element to a game that adds for better visual appeal and gameplay.

**Re claim 5:** Gilboa discloses the area variable unit comprises a second variable unit for making the size of the area in the game space variable, the size set according to and corresponding to game progress wherein area variable unit is the computer processor (column 8, lines 36-50).

**Re claim 14:** Gilboa discloses computer memory of a processing unit that records and stores game information (column 14, lines 39-42).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilboa in view of Pepper Jr. (U.S. Patent No. 4,302,011).

**Re claim 6:** Although Gilboa discloses that the game pieces must be present on the invention board in order for the video screen to display certain character information is displayed based on the position of the game piece. However, Pepper Jr. discloses an electronic input tablet device for use in a game circuitry where a player uses there finger

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to increasingly press down on the tablet to “fire a weapon” at their opponent (column 4, lines 46-55; column 5, lines 35-49). Gilboa describes a similar game, in which players fire bullets which appears on screen in accordance with the position and orientation of the toy figure (column 8, lines 45-50). It would have been obvious to one skilled in the art to incorporate the pressure sensing device of Pepper Jr. into the game system of Gilboa for the purpose of controlling features of game devices.

5. Claim 7, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilboa in view of Toshiyuki et al. (JP 2002-301264 A).

**Re claims 7 and 17:** Gilboa discloses game information for causing an apparatus similar to a computer to function the apparatus connected to an input system (column 7, lines 1-7), the input system comprising: a tablet using an electromagnetic induction method (column 4, lines 4-7; column 3, lines 54-65); and a formed object incorporating a coil for performing predetermined communication using an electromagnetic induction method when placed on the tablet (column 20, lines 51-55), a memory for storing identification information on the formed object (column 4, lines 15-29, column 11, lines 10-15) the apparatus obtains from the input system a placed position and a direction on the tablet, and identification information on the formed object (Abstract; column 7, lines 36-41; column 11, lines 10-15), wherein the apparatus is caused to function as: a change detecting unit for detecting a change of the placed position and the direction obtained from the input system (column 8, lines 37-59; column 12, lines 13-30); a



selecting unit for selecting character information corresponding to the identification information obtained from the input system out of a plurality of character information, each of which includes image information on a character imitating a figure of the formed object and is associated with the identification information on the formed object (column 8, lines 20-30; column 9, lines 32-39); a character control unit for disposing the character, imitating the figure of the formed object placed on the tablet, in a game space according to the character information selected by the selecting unit (column 9, lines 32-39), and for controlling motion and movement of the character according to the change detected by the change detecting unit (column 8, lines 37-45); and an image generating unit for generating an image in the game space including the character controlled by the character control unit (column 8, lines 20-30; column 9, lines 32-39). Gilboa fails to disclose the use of a playing card on the electronic tablet. However Toshiyuki et al. discloses a card game device where players place cards onto an electronic tablet where the cards are subsequently read and then used in a game (abstract). Because both Gilboa and Toshiyuki et al. disclose game indicia, it is obvious to one skilled in the art to simply substitute one game indicia for another for the purpose of displaying virtual game indicia that corresponds to game indicia on a physical game board.

The examiner understands a non-variable gamespace area to be one which the area available to player remains static during gameplay. For instance, in a computer chess game the chess board is the only game environment and therefore the game space area is static. Thusly, a variable gamespace area that dynamically changes the area of

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the gamespace in accordance with game events. This concept is well known in the art, especially in fighting games that use the camera zoom feature. The video game "The Art of Fighting" was the first to teach a camera zoom effect wherein when two players are close together, the camera is zoomed in on the two players, and when two players are far away from one another, the camera zooms out to include both players within the display screen. To one skilled in the art, the game processor or game display unit of the game unit that "The Art of Fighting" is played on would be considered, the correlating area unit as it performs the correlating area function.

Because the structure of the claim limitations are already met by the invention of Gilboa, one skilled in the art would recognize that changing the particular game or game parameters that Gilboa is instructed to execute is merely changing the obvious variable component, that being the software. One can easily create a game with specific parameters that utilize the structural components of the invention, as Gilboa has previously disclosed a plurality of games including: a story book game, a game of chess, and a spaceship shooting game. To one skilled in the art the camera affect can be incorporated within the spaceship shooting game to show the perspective of the player in relation to the enemy space ship where as the player moves toward the enemy the display screen is zoomed in, and when the players moves away from enemy, the display screen is zoomed out, to show perspective. This similar effect can be used within the gamebook of Gilboa in which the display screen is zoomed in to encompass both the player and opposing character when the two are in close proximity. It would

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have been obvious to one skilled in the art to modify the invention of Gilboa with the camera zoom feature of "The Art of Fighting" to add a dynamic element to a game that adds for better visual appeal and gameplay.

**Re claim 15:** Gilboa discloses computer memory of a processing unit that records and stores game information (column 14, lines 39-42).

6. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilboa in view of Watson et al. (U.S. Patent No. 5,821,916).

**Re claims 8 and 10:** Gibloa discloses that the position of where the game indicia is located on the game tablet (Abstract), but does not disclose a continuous movement of game indicia across the game tablet corresponding with continuous movement of the display screen. However, Watson et al. discloses a digitizer tablet that comprises of a stylus, which the user uses to write on the tablet display that directly corresponds with the movement of a cursor on a display that illustrates the handwriting of the user (column 1, lines 40-52). Therefore because of the relationship between the digitizer tablet and the computer system, the processor will always recognize the speed of the stylus that is being moved across the game tablet and display the speed of the cursor on the display screen to be directly proportional to the speed of stylus on the tablet. Furthermore handwriting inherently contains many turns, which Watson displays in a path created on the monitor after a user has written on the tablet. Here the image-

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generating unit is the computer and the image generated in the space is the pen dot or cursor. It is known in the art that operating systems for tablet computer platforms use digitizer pens for controlling the movement of cursor on a display screen. It would have been obvious to try use the known technique of moving a virtual object in correlation with a physical object based on the speed and turns of the physical objects movement as disclosed by Watson et al. in the game machine of Gilboa to improve on the movement of game indicia of Gibloa which would achieve the predictable result of continuously moving virtual game indicia in accordance with the continuous movement of their physical counterparts.

**Re claims 9 and 11:** Gibloa discloses that the position of where the game indicia is located on the game tablet (Abstract), but does not disclose a continuous movement of game indicia across the game tablet corresponding with continuous movement of the display screen. However, Watson et al. discloses a digitizer tablet that comprises of a stylus, which the user uses to write on the tablet display that directly corresponds with the movement of a cursor on a display that illustrates the handwriting of the user (column 1, lines 40-52). Therefore because of the relationship between the digitizer tablet and the computer system, the processor will always recognize the speed of the stylus that is being moved across the game tablet and display the speed of the cursor on the display screen to be directly proportional to the speed of stylus on the tablet. Furthermore handwriting inherently contains many turns, which Watson displays in a path created on the monitor after a user has written on the tablet. Here the image-

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7. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilboa in view of Wang et al. (U.S. Patent 7,133,031).

**Re claims 12 and 13:** Gilboa discloses that the game machine records and outputs information based on the location of the game object at a given point on the map such as storing the position of the game objects when located near a pond or a house, the game records that location and outputs information based on stored information from the game object. Gilboa does not explicitly disclose that that the previous positions or path of the game pieces are recorded nor that the game controls motion and movement of the character based on the path detected by the path detecting unit. However, Wang et al. discloses a computer system a system that controls the motion movement of electronic ink displayed on a screen based upon the moving path of a digitizer pen

through a maze (column 15, lines 19-67; column 16, lines 1-10). It would have been obvious to try use the known technique of moving a virtual object in correlation with a physical object based on the speed and turns of the physical objects movement as disclosed by Wang et al. in the game machine of Gilboa to improve on the movement of game indicia of Gibloa which would achieve the predictable result of continuously moving virtual game indicia in accordance with the continuous movement of their physical counterparts.

### ***Response to Arguments***

2. Applicant's arguments, filed 02/01/2008, with respect to the rejection(s) of claim(s) 3 and 4 under U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gilboa in view of "The Art of Fighting". The examiner understands a non-variable gamespace area to be one which the area available to player remains static during gameplay. For instance, in a computer chess game the chess board is the only game environment and therefore the game space area is static. Thusly, a variable gamespace area that dynamically changes the area of the gamespace in accordance with game events. This concept is well known in the art, especially in fighting games that use the camera zoom feature. The video game "The Art of Fighting" was the first to teach a camera zoom effect wherein when two players are close together, the camera is zoomed in on the two players, and when two players

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are far away from one another, the camera zooms out to include both players within the display screen. To one skilled in the art, the game processor or game display unit of the game unit that "The Art of Fighting" is played on would be considered, the correlating area unit as it performs the correlating area function.

Because the structure of the claim limitations are already met by the invention of Gilboa, one skilled in the art would recognize that changing the particular game or game parameters that Gilboa is instructed to execute is merely changing the obvious variable component, that being the software. One can easily create a game with specific parameters that utilize the structural components of the invention, as Gilboa has previously disclosed a plurality of games including: a story book game, a game of chess, and a spaceship shooting game. To one skilled in the art the camera affect can be incorporated within the spaceship shooting game to show the perspective of the player in relation to the enemy space ship where as the player moves toward the enemy the display screen is zoomed in, and when the players moves away from enemy, the display screen is zoomed out, to show perspective. This similar effect can be used within the gamebook of Gilboa in which the display screen is zoomed in to encompass both the player and opposing character when the two are in close proximity. It would have been obvious to one skilled in the art to modify the invention of Gilboa with the camera zoom feature of "The Art of Fighting" to add a dynamic element to a game that adds for better visual appeal and gameplay.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINALD A. RENWICK whose telephone number is (571)270-1913. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM, Alt Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4/22/2008  
RR

/Ronald Laneau/  
Supervisory Patent Examiner, Art Unit 3714